

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 7-27 are pending in this application. Claims 1-6 are canceled without prejudice or disclaimer and new Claims 7-27 are added by the present amendment. As new Claims 7-27 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph and Claims 1-6 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over the Claims 1-6 of U.S Patent No. 6,724,793.

With regard to the rejection of Claims 1-6 under 35 U.S.C. §112, second paragraph, Claims 1-6 are canceled, making this rejection moot. It is noted that new Claim 7 recites that a laser diode is connected to a laser diode drive supply circuit, and independent Claims 13, 14, 19, and 22 each recite similar subject matter. Consequently, new Claims 7-27 are believed to be in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claim 1 under the judicially created doctrine of obviousness-type double patenting, Claims 1-6 are canceled, making this rejection moot.

With regard to new Claims 7-27, new Claim 7 recites in part, “a plurality of laser diodes configured to output light having different wavelengths.” In contrast, independent Claims 1 and 5 of U.S Patent No. 6,724,793 recite in part, “a plurality of laser diodes for outputting laser beams having different wavelengths and different power output levels.” Independent Claim 4 of U.S Patent No. 6,724,793 recites in part, “a plurality of current-to-voltage conversion amplifiers connected to an output of said photodiode, being configured to adjust conversion resistance values and having different center conversion resistance values

corresponding to respective said different power output levels of said plurality of laser diodes.”

With regard to original Claim 1, the outstanding Office Action asserted that (1) “Removing this feature [different power output levels] would have been obvious, and (2) “the ability of different output power levels of the laser diodes are inherent.”¹ However, there is no portion of the claim is cited by the outstanding Office Action as suggesting the removal of the different power output levels, and further, no evidence has been provided to support the allegation that different output power levels would be inherent. Accordingly, new Claim 7 (and Claims 8-13 dependent therefrom) is patentable over Claims 1-6 of U.S Patent No. 6,724,793.

As new independent Claims 13, 14, 19, and 22 recite similar subject matter as new Claim 7, Claims 13, 14, 19, and 22 (and Claims 15-18, 20, 21, and 23-27 dependent therefrom) are also believed to be patentable over Claims 1-6 of U.S Patent No. 6,724,793.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

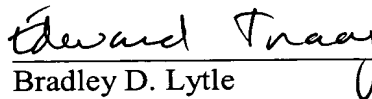
Respectfully submitted,

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¹See outstanding Office Action, page 3, lines 9-12.